

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION**

FRANKENMUTH CREDIT UNION,

Plaintiff,

Case No: 18-12176

Hon. Thomas L. Ludington

Magistrate Judge Patricia T. Morris

v.

CHARLES FITZERALD, et al,

Defendants.

**ORDER GRANTING MOTION FOR ENTRY OF DEFAULT
AS TO JONES PRE-OWNED AUTO SALES, LLC**

In June 2018, Plaintiff, Frankenmuth Credit Union, filed allegations of fraudulent misrepresentation, innocent misrepresentation, breach of contract, silent fraud, civil conspiracy, and RICO against Defendants, Randall Anderson, Rashaud Coleman, Mark Ingram, Charles Fitzgerald, Nicholas Austin Walker, Laron Thornton, Jones Pre-Owned Auto Sales, LLC, Verndell Phipps, Nicole Phipps, and Xclusive Auto Group, LLC. ECF No. 1-2 at PageID.7, 15-25; ECF No. 1-4 at PageID.31. The case was removed to Federal Court on July 12, 2018. ECF No. 1. Defendant Jones Pre-Owned Auto Sales, LLC answered the complaint with a cross claim on July 19, 2018. ECF No. 3. Counsel for Jones Pre-Owned Auto Sales, LLC was granted permission to withdraw on June 26, 2018 and Defendant was given until July 26, 2018 to find new counsel. ECF No. 80. Jones Pre-Owned Auto Sales, LLC was informed that if it did not secure new counsel, it would be subject to default. *Id.*

On October 28, 2019, Plaintiff filed a motion for entry of default against Defendant Jones Pre-Owned Auto Sales, LLC. ECF No. 91. As of November 7, 2019, no attorney has filed an appearance on behalf of Defendant, and Defendant is therefore subject to default under Federal

Rule of Civil Procedure 55(a). *See Rowland v. California Men's Colony*, 506 U.S. 194, 202, (1993) (noting that a corporate entity cannot appear in federal court without licensed counsel); *Memon v. Allied Domecq QSR*, 385 F.3d 871, 873 (5th Cir. 2004) (noting that unrepresented corporate entities are subject to default).

Accordingly, it is **ORDERED** that the motion for default, ECF No. 91, is **GRANTED** and default is entered against Defendant Jones Pre-Owned Auto Sales, LLC.

Dated: November 12, 2019

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney of record herein by electronic means and to **Jones Pre-Owned Auto Sales, LLC**, 3623 Dixie Hwy, Saginaw, MI 48601 by first class U.S. mail on November 12, 2019.

s/Kelly Winslow
KELLY WINSLOW, Case Manager